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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/900,360 07/25/97 OBRECHT

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LM02/0709
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EXAMINER

CRECCA, M

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

07/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Applicant(s) N .

08/900,360

Applicant(s)

OBRECHT, WELLS

Examiner

Michele S. Crecca

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The proposed reply filed on May 8, 1999 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli (US 5,758,328) in view of Salmon et al. (US 5,592,375).

Claim 1: Giovannoli teaches a "method for purchasing good or services" (abstract and fig. 2B) comprising:

"(a) receiving a request from a buyer for goods or services..." (col. 2, lines 61-62 and claim 3, col. 8, line 59-60);

"(b) selecting at least one seller from a predetermined group of sellers..." (col. 2, lines 61-63 and claim 3, col. 8, lines 61-64);

"(c) transmitting the request of the buyer to the selected...seller of the goods or services" (col. 2, lines 65-67 and claim 3, col. 8, lines 64-66);

"(d) receiving....responses from the ...seller to the request" (col. 3, lines 1-2 and claim 3, col. 8, line 67-col. 9, line 1);

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"(e) compiling information provided in the responses... and (g) providing the compiled responses...for access by the buyer"(col. 2, lines 50-51 and col. 3, lines 2-3 and claim 3, col. 9, lines 1-2).

Giovannoli does not specifically recite the step of "ranking the sellers based upon the compiled information including the plurality of criteria and selecting the sellers with the relatively highest ranking." Salmon et al. teaches a computer implemented system for brokering goods or services between buyers and sellers including the use of a "plurality of criteria" (col. 7, lines 50-51) and weighing the criteria in order to create a "rank-order" (col. 8, lines 18-24 and col. 11, lines 50-56). It would have been obvious to one of ordinary skill at the time of the applicant's invention to apply the ranking process of Salmon et al. to Giovannoli's computerized method for purchasing goods and services because the system saves the customer time by placing the best value offers at the top of the offer list, therefore assisting the customer in making a well-informed purchase decision.

Claims 2-7 are rejected based on the previous office action (paper no. 4) of the file.

Claims 10-16 recite the system to be used with the method disclosed in claims 1-7 and are rejected under 35 USC 103(a) as being unpatentable over Giovannoli (US 5,758,328) in view of Salmon et al. (US 5,592,375) per the arguments stated in claims 1-7 above.

4. Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli in view of Salmon et al. as applied to claims 7 and 16 above, and further in view of

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"*Best's Review*" (Insurer's venture onto the Internet web, July 1995) and "*Link-Up*" (Consumers buy cars via Auto-By-Tel, May 1996) per the previous office action (paper no. 4).

5. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli in view of Salmon et al. and further in view of "*Link-Up*" article per the previous office action (paper no. 4).

With regards to claim 19, Giovannoli does not specifically recite "ranking the providers based upon the compiled information including the plurality of criteria, and selecting the providers with the relatively highest ranking." However, Salmon et al. teaches a computer implemented system for brokering goods or services between buyers and sellers including the use of a "plurality of criteria" (col. 7, lines 50-51) and weighing the criteria in order to create a "rank-order" (col. 8, lines 18-24 and col. 11, lines 50-56). It would have been obvious to one of ordinary skill at the time of the applicant's invention to apply the ranking process of Salmon et al. to Giovannoli's computerized method for purchasing goods and services because the system saves the customer time by placing the best value offers at the top of the offer list, therefore assisting the customer in making a well-informed purchase decision.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent by Aycock et al. (5,765,138) note: col. 3, lines 3-35 and figure 1, item 22.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The examiner can normally be reached Monday – Friday from 7:00 – 4:30, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Information faxes for this Art Unit can be submitted to (703) 308-5357).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC
May 5, 1999



ALLEN R. MACDONALD
SUPERVISORY PATENT EXAMINER